IN THE

Supreme Court of the United States

OCTOBER TERM, 1934.

LOUISVILLE JOINT STOCK LAND BANK OF LOUISVILLE, KENTUCKY, - - - - *Petitioner,*

v.

WILLIAM W. RADFORD, SENIOR, - - - - *Respondent.*

JOINDER IN PETITION FOR CERTIORARI.

The respondent herein does respectfully join in the petition for the issuance of a writ of certiorari herein and does submit the following, in addition to the grounds urged by the petitioner herein for the issuance of such writ.

(1) The proceeding involves the constitutionality of the Frazier-Lemke Act, an amendment to National Bankruptcy Law, approved June 28, 1934. (See Record, pp. 101, *et seq.*)

The primary purpose of the law, as the appellee contends, is:

(a) To give an indebted farmer an opportunity of retaining his farm for five years on the payment of a rental to be fixed by the court, without the consent of the lienholder.

(b) To give an indebted farmer an opportunity during such rental or moratorium period, the opportunity of repurchasing his farm at the greater of two appraisements, the amount thereof to be approved by the court with regard to the amount of the secured debt or the consent of the lienholder.

The validity of the law has been upheld in this proceeding both in the District Court and in the Circuit Court of Appeals.

The law directly affects farm debts aggregating in amount over twelve billion dollars and owing by millions of farmers. The law has been declared invalid in the districts of Maryland and Eastern Virginia. The Maryland case is now under advisement (4 C. C. A.). It has been declared valid in District Courts in Arkansas, Colorado, Michigan and Oklahoma. In principle, it has been upheld in Texas, with judgment reserved as to the details thereof. The question has been reserved in Pennsylvania, as one to be decided on appeal.

The general uncertainty as to the ultimate holding of this Court has caused great confusion in the administration of the law in the District Courts. Many needy farmers are deferring applications for relief until this Court has spoken. Others are hesitating to plant crops for fear they may not reap where they have sown.

The practice of this Court has been to issue writs of certiorari in proceedings in bankruptcy.

Consult:

In re Chicago, Rock Island & Pacific Railway Company, argued and submitted at this term.
Local Loan Co. *v.* Hunt, 292 U. S. 234.
Ex parte Baldwin, 291 U. S. 610.
Cooper v. Dasher, 290 U. S. 106.

Manhattan Properties Co. v. Irving Trust Co., 291 U. S. 320.
Fidelity & Deposit Co. v. Arenz, 290 U. S. 66.
Royal Indemnity Co. v. American Bond & Mtg. Co., 289 U. S. 165.
American Surety Co. v. Maratta, 287 U. S. 513.
Gross v. Irving Trust Co., 289 U. S. 342.
Buffum v. Peter Barceloux Co., 289 U. S. 227.

A law required by the Constitution to be uniform in its geographical operation (186 U. S. 186), must necessarily be harmonized from time to time by this Court.

Again, Congress is now in session. If for any reason the Frazier-Lemke Act does not coincide with constitutional requirements, Congress may desire to treat the present agricultural emergency in some other way.

Hence the propriety of a writ of certiorari to be issued by the Court herein.

The facts hereinbefore outlined also move the respondent to join in the Motion to Advance this cause on the docket for an early hearing filed herein.

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